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Las Vegas, Nevada 89102  
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admin@sdlawoffice.net

*Attorneys for Defendant*  
*HAZEL TRUCKING, LLC*

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEVADA**

RUSSELL KENT HIGGINS, an individual, and  
TAMMY HIGGINS, an individual,

Plaintiffs,

vs.

GUSTAVO WILSON, and individual; HAZEL  
TRUCKING, LLC, a Utah limited liability  
company; DOES I through X inclusive; and  
ROE CORPORATIONS I and X, inclusive

Defendants.

Case No. 2:19-cv-01145

District Court Case No. A-19-796025-C

**PETITION FOR REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEVADA

Defendant, HAZEL TRUCKING, LLC, by and through its attorney, Marsha L. Stephenson,  
Esq. of the law firm of Stephenson & Dickinson, P.C., respectfully petitions the Court for an Order  
removing the above-entitled action to the United States District Court for the District of Nevada, and  
alleges as follows:

1. Defendant Hazel Trucking, LLC is the Defendant in the above-entitled action.

1           2.       The above-entitled action was commenced against the Defendant on June 4, 2019, in  
2 the District Court, Clark County, Nevada and is now pending in such Court as Case No. A-19-796025-  
3 C.

4           3.       A copy of the Summons and Complaint in Case No. A-19-796025-C was served on  
5 Defendant on June 10, 2019.

6           4.       The above action is the result of a motor vehicle accident which occurred in Clark  
7 County, Nevada on November 3, 2017.

8           5.       That as alleged in the Complaint, Plaintiffs are residents and citizens of the State of  
9 California. Defendant Hazel Trucking, LLC is a foreign liability company registered in the State of  
10 Utah with its principal place of business is located in Kearns, Utah.

11          6.       Defendant Gustavo Wilson is alleged to be a citizen of the State of Washington.

12          7.       The amount in controversy exceeds \$75,000.00. Plaintiffs Russel Kent Higgins and  
13 Tammy Higgins injuries and loss of consortium stemming from a motor vehicle accident between two  
14 semi-tractor trucks.

15          8.       There is diversity of citizenship between Plaintiff and Defendant and this Court has  
16 jurisdiction over the above entitled action pursuant to 28 USC §1332 and 28 USC §1441.

17          9.       Copies of the Summons and Complaint are attached hereto as Exhibits A and B,  
18 constituting all of the papers and pleadings served on Hazel Trucking, LLC.

19          10.       A true and correct copy of this Notice of Removal is being filed this date with the Clerk  
20 of the Eighth Judicial District Court of Nevada.

21 //

22 //

23 //

24 //

25 //

26 //

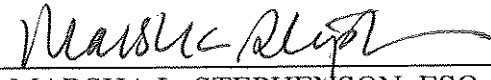
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28

11. Based on the foregoing, Hazel Trucking, LLC. removes the action now pending in the Eighth Judicial District Court of Nevada, in and for the County of Clark, as Case No. A-19-796025-C, to this Court.

DATED this 3<sup>rd</sup> day of July, 2019.

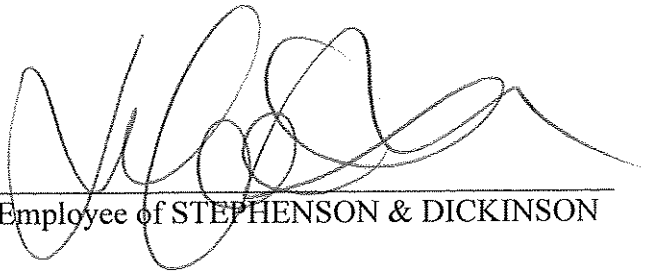
STEPHENSON & DICKINSON, P.C.

By:   
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Las Vegas, Nevada 89102  
admin@sdlawoffice.net  
*Attorneys for Defendant*  
*HAZEL TRUCKING, LLC*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on the 30 day of July, 2019, a true and correct copy of the foregoing **PETITION FOR REMOVAL** was served via electronic service, addressed as follows:

Rahul Ravipudi, Esq.  
Gregorio Silva, Esq.  
Panish Shea & Boyle LLP  
8816 Spanish Ridge Avenue  
Las Vegas, NV 89148  
*Attorneys for Plaintiffs*



Employee of STEPHENSON & DICKINSON

Exhibit A

6/4/2019 3:20 PM

1 **SUMM**  
 2 **RAHUL RAVIPUDI**  
 Nevada Bar No.  
*ravipudi@psblaw.com*  
 3 **GREGORIO SILVA**  
 Nevada Bar No. 13583  
 4 *gsilva@psblaw.com*  
**PANISH SHEA & BOYLE LLP**  
 5 11111 Santa Monica Boulevard, Suite 700  
 Los Angeles, California 90025  
 6 Telephone: 310.477.1700  
 Facsimile: 310.477.1699

DATE: 6-10-19TIME: 11:35 AMWHO: Russell HigginsBY: [Signature]LIC# A122071ICU Investigations, LLC 435-484-1200  
250 N Red Cliffs Dr. 840-275, St George, UT 84790

7 Attorneys for Plaintiffs  
 8 Russell Kent Higgins and Tammy Higgins

**DISTRICT COURT****CLARK COUNTY, NEVADA**

11 **RUSSELL KENT HIGGINS, an individual;**  
 12 **and TAMMY HIGGINS, an individual**

Plaintiff,

v.

14 **GUSTAVO WILSON, an individual; HAZEL**  
 15 **TRUCKING, LLC, a Utah limited liability**  
 16 **company; DOES I through X inclusive; and**  
 17 **ROE CORPORATIONS I through X,**  
 inclusive,

Defendants.

Case No. A-19-796025-C

Dept. No.: 1

**SUMMONS**

19 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**  
 20 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS. READ**  
 21 **THE INFORMATION BELOW.**

22 **HAZEL TRUCKING, LLC**  
 c/o Progressive Reporting Agency  
 7304 S 300 W, Suite 201  
 23 Midvale, UT 84047

24 A civil complaint has been filed by the Plaintiff against you for the relief set forth in the  
 25 complaint.

26 1. If you intend to defend this lawsuit, within 21 days after this Summons is served on  
 27 you, exclusive of the day of service, you must do the following:

28 (a) File with the Clerk of the court, whose address is shown below, a formal written

PANISH SHEA & BOYLE LLP  
 11111 Santa Monica Boulevard, Suite 700  
 Los Angeles, California 90025  
 310.477.1700 phone - 310.477.1699 fax

PANISH SHEA & BOYLE LLP

11111 Santa Monica Boulevard, Suite 700  
Los Angeles, California 90025  
310.477.1700 phone • 310.477.1699 fax

1 response to the Complaint in accordance with the rules of the court with the appropriate  
2 filing fee.

3 (b) Serve a copy of your response upon the attorney whose name and address is  
4 shown below.

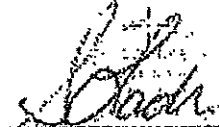
5 2. Unless you respond, your default will be entered upon application of the Plaintiffs and  
6 failure to so respond will result in a judgment of default against you for the relief demanded in the  
7 complaint, which could result in the taking of money or property or other relief requested in the  
8 complaint.

9 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly  
10 so that your response may be filed on time.

11 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board  
12 members, commission members and legislators each have 45 days after service of this Summons  
13 within which to file an Answer or other responsive pleading to the Complaint.

14 5. This action is brought to recover judgment as described in complaint.

15 STEVEN D. GRIERSON  
16 CLERK OF THE COURT

17  
18   
19 Deputy Clerk  
20 Regional Justice Center  
21 200 Lewis Avenue  
22 Las Vegas, Nevada 89101

6/4/2019

Shimaya Ladson

21 Respectfully submitted by:

22 PANISH SHEA & BOYLE LLP

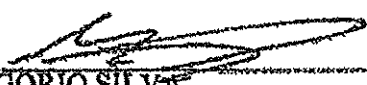
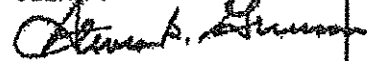
23  
24 By:   
25 GREGORIO SILVA  
26 Nevada Bar No. 13583  
27 gsilva@psblaw.com  
28 8816 Spanish Ridge Avenue  
Las Vegas, Nevada 89148  
Attorneys for Plaintiffs  
Russell Kent Higgins and Tammy Higgins

Exhibit B



Electronically Filed  
8/4/2019 1:13 PM  
Steven D. Grierson  
CLERK OF THE COURT



CASE NO: A-19-796025-C  
Department

1 **COMP**  
2 **RAHUL RAVIPUDI**  
3 Nevada Bar No. 14750  
4 *ravipudi@psblaw.com*  
5 **GREGORIO V. SILVA**  
6 Nevada Bar No. 13583  
7 *gsilva@psblaw.com*  
8 **PANISH SHEA & BOYLE LLP**  
9 8816 Spanish Ridge Avenue  
10 Las Vegas, Nevada 89148  
11 Telephone: 702.560.5520  
12 Facsimile: 702.975.2515

13 Attorneys for Plaintiffs  
14 Russell Higgins and  
15 Tammy Higgins

16 **DISTRICT COURT**  
17 **CLARK COUNTY, NEVADA**

18 **RUSSELL KENT HIGGINS, an individual,**  
19 **and TAMMY HIGGINS, an individual,**

20 Plaintiffs,

21 v.

22 **GUSTAVO WILSON, an individual; HAZEL**  
23 **TRUCKING, a foreign limited-liability**  
24 **company; DOES I through X; and ROE**  
25 **CORPORATIONS I through X, Inclusive,**

26 Defendants.

Case No.

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

**Arbitration Exemption:**

1. Damages in Excess of \$50,000

27 Plaintiffs RUSSELL KENT HIGGINS and TAMMY HIGGINS, by and through their  
28 attorneys of record, the law firm of PANISH SHEA & BOYLE, LLP, hereby demand a trial by  
jury and complains and alleges against defendants as follows:

**GENERAL ALLEGATIONS**

1. Plaintiff RUSSELL KENT HIGGINS is, and at all times relevant hereto was, a resident  
of California.
2. Plaintiff TAMMY HIGGINS is and at all times relevant hereto was, a resident of  
California.
3. Upon information and belief, Defendant GUSTAVO WILSON is, and at all times

1 relevant hereto was, a resident of Seattle, Washington.

2 4. Upon information and belief, Defendant HAZEL TRUCKING, LLC, is, and at all  
3 times relevant hereto was a foreign limited liability company licensed to conduct business in Clark  
4 County, Nevada.

5 5. The true names and capacities, whether individual, corporate, associate, partnership or  
6 otherwise, of the defendants herein designated as DOES I through X and ROE CORPORATIONS I  
7 through X, inclusive, are unknown to plaintiff, who therefore sues said defendants by such fictitious  
8 names. Plaintiff will seek leave of the Court to insert the true names and capacities of such defendants  
9 when the same have been ascertained<sup>1</sup> and will further seek leave to join said defendant in these  
10 proceedings.

11 6. That at all times pertinent hereto, defendants were agents, servants, employees or joint  
12 ventures of every other defendant herein, and at all times mentioned herein were acting within the  
13 scope and course of said agency, employment, or joint venture, with knowledge and permission and  
14 consent of all other named defendants.

15 7. Plaintiff RUSSELL KENT HIGGINS is, and at all times mentioned herein was, the  
16 operator of a 2012 Freightliner Semi Tractor Truck.

17 8. Defendants HAZEL TRUCKING, LLC and GUSTAVO WILSON are, and at all times  
18 relevant herein were, the owner of a 2010 Freightliner Semi Tractor Truck.

19 9. Upon information and belief, Defendant GUSTAVO WILSON was acting in the course  
20 and scope of his employment with HAZEL TRUCKING, LLC at the time of the collision when he  
21 was operating the 2010 Freightliner Semi.

22 10. On or about November 3, 2017, in Clark County, Nevada, Defendant GUSTAVO  
23 WILSON failed to use due care on the roadway, and struck the vehicle of Plaintiff RUSSELL  
24 HIGGINS.

25 11. Upon information and belief, Defendant GUSTAVO WILSON was driving his semi-  
26 truck on Northbound Interstate 15 near mile marker 110 when he failed to notice stopped traffic  
27 ahead.

28 12. Upon information and belief, as Defendant GUSTAVO WILSON approached the

1 stopped traffic near mile marker 110 he failed to stop and struck the rear and right side of Plaintiff's  
2 vehicle.

3 13. As a direct and proximate result of the negligence of defendants, and each of them,  
4 Plaintiffs sustained personal injuries, all or some of which conditions may be permanent and  
5 disabling, in a sum in excess of \$15,000.00.

6 14. As a direct and proximate result of the negligence of defendants, and each of them,  
7 plaintiffs received medical and other treatment for the aforementioned injuries, and that said services,  
8 care, and treatment is continuing and shall continue in the future, all to the damage of Plaintiffs.

9 15. As a direct and proximate result of the negligence of defendants, and each of them,  
10 Plaintiffs have been required to limit occupational and recreational activities, which have caused and  
11 shall continue to cause plaintiffs loss of earning capacity, lost wages, physical impairment mental  
12 anguish, and loss of enjoyment of life, in a presently unascertainable amount.

13 16. As a direct and proximate result of the aforementioned negligence of defendants, and  
14 each of them, plaintiffs have been required to engage the services of an attorney, incurring attorney's  
15 fees and costs to bring this action.

16 **JURISDICTION AND VENUE**

17 17. The exercise of the jurisdiction by this Court over each and every Defendant in this  
18 action is appropriate because each and every Defendant has done, and continues to do, business in the  
19 State of Nevada, and committed a tort in the State of Nevada.

20 18. Jurisdiction in the Eighth Judicial District Court of Nevada is further appropriate  
21 because the acts and omission alleged hereafter occurred within Clark County, State of Nevada and  
22 venue is proper.

23 **FIRST CLAIM FOR RELIEF**

24 **(Negligence against all Defendants)**

25 19. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the  
26 complaint as though fully set forth herein, and incorporate the same herein by reference.

27 20. Defendants, and each of them, owed a duty of care to plaintiff Russell Higgins to  
28 operate their vehicle in a reasonable and safe manner.

21. Defendants, and each of them, breached that duty of care by striking plaintiff's vehicle on the roadway.

22. As a direct and proximate result of the negligence of defendants, and each of them, plaintiff sustained personal injuries, all or some of which conditions may be permanent and disabling, and all to Plaintiff's damage in a sum in excess of \$15,000.00.

23. As a direct and proximate result of the negligence of defendants, and each of them, Plaintiff received medical and other treatment for the aforementioned injuries, and that said services, care, and treatment is continuing and shall continue in the future, all to the damage of Plaintiff.

24. As a direct and proximate result of the negligence of Defendants, and each of them, Plaintiff has been required to limit occupational and recreational activities, which have caused and shall continue to cause Plaintiff loss of earning capacity, lost wages, physical impairment, mental anguish, and loss of enjoyment of life, in a presently unascertainable amount.

25. As a direct and proximate result of the aforementioned negligence of defendants, and each of them, Plaintiff has been required to engage the services of an attorney, incurring attorney's fees and costs to bring this action.

**SECOND CLAIM FOR RELIEF**

**(Negligent Training and Supervision)**

26. Plaintiffs incorporate by reference each and every allegation previously made in this Complaint, as if fully set forth herein.

27. Defendants, and each of them, owed a duty of care to plaintiff Russell Higgins to operate their vehicle in a reasonable and safe manner.

28. Defendant HAZEL TRUCKING, LLC breached that duty by hiring an employee(s) even though it knew, or should have known, of that employee's dangerous propensities and propensity not to follow basic instructions, directions, or rules of the road.

29. In the alternative, Defendant HAZEL TRUCKING, LLC, breached its duty by failing to properly supervise and train that/those employee(s).

30. The breach of Defendant HAZEL TRUCKING, LLC, was the legal cause of Plaintiff's injuries.

1       31. As a direct and proximate result of the negligence of defendants, and each of them,  
2 plaintiff sustained personal injuries, all or some of which conditions may be permanent and disabling,  
3 and all to Plaintiff's damage in a sum in excess of \$15,000.00.

4       32. As a direct and proximate result of the negligence of defendants, and each of them,  
5 Plaintiff received medical and other treatment for the aforementioned injuries, and that said services,  
6 care, and treatment is continuing and shall continue in the future, all to the damage of Plaintiff.

7       33. As a direct and proximate result of the negligence of Defendants, and each of them,  
8 Plaintiff has been required to limit occupational and recreational activities, which have caused and  
9 shall continue to cause Plaintiff loss of earning capacity, lost wages, physical impairment, mental  
10 anguish, and loss of enjoyment of life, in a presently unascertainable amount.

11       34. As a direct and proximate result of the aforementioned negligence of defendants, and  
12 each of them, Plaintiff has been required to engage the services of an attorney, incurring attorney's  
13 fees and costs to bring this action.

14                                   **THIRD CLAIM FOR RELIEF**

15                                   **(Loss of Consortium Against All Defendants)**

16       35. Plaintiffs repeat and re-allege the allegations of the preceding paragraphs of the  
17 complaint as though fully set forth herein, and incorporate the same herein by reference.

18       36. At all times material hereto, Plaintiffs were in a valid and lawful marriage with each  
19 other.

20       37. As a direct and proximate result of the above described negligence of Defendants, and  
21 each of them, Plaintiff Russell Higgins suffered severe, serious, and wrongful physical and mental  
22 injury.

23       38. As a direct and proximate result of the negligence of Defendants, and each of them,  
24 Plaintiff Tammy Higgins has suffered loss of consortium including, but not limited to, the loss of love,  
25 companionship, affection, society, sexual relations, and solace in her marital relationship.

26       39. As a direct and proximate result of the negligence, carelessness and reckless actions  
27 and inactions of defendants, and each of them, Plaintiff Tammy Higgins has suffered severe and  
28 serious personal, physical, and mental injuries. Plaintiff Tammy Higgins has sustained damages in an



1 amount in excess of Fifteen Thousand Dollars (\$15,000.00).

2 40. As a direct and proximate result of the negligence of Defendants, and each of them,  
3 Plaintiff Tammy Higgins has been limited in occupation and recreational activities, which have caused  
4 and shall continue to cause Plaintiff loss of earning capacity, lost wages, physical impairment, mental  
5 anguish, and loss of enjoyment of life, in a presently unascertainable amount.

6 41. The plaintiffs have been required to engage the services of an attorney, incurring  
7 attorney's fees and costs to bring this action.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiffs pray for judgment against defendants, and each of them, as follows:

- 10 1. For a judgment in favor of Plaintiffs and against Defendants, and each of them, on  
11 the Complaint and all claims for relief asserted therein;
- 12 2. For an award of general and special damages in an amount in excess of \$15,000.00,  
13 to be proven at trial;
- 14 3. For an award of reasonable attorney's fees and costs incurred in this action; and  
15 4. For any such other and further relief as this Court may deem just and proper.

16 DATED this 11<sup>th</sup> day of June, 2019.

17 **PANISH SHEA & BOYLE LLP**

18 By: 

19 **RAHUL RAVIPUDI**

20 Nevada Bar No. 14750

21 **GREGORIO V. SILVA**

22 Nevada Bar No. 13583

23 8816 Spanish Ridge Avenue

24 Las Vegas, Nevada 89148

25 Attorneys for Plaintiffs  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiffs Russell Higgins and Tammy Higgins hereby demand a jury trial as to all causes of action.

DATED this 4<sup>th</sup> day of June, 2019.

PANISH SHEA & BOYLE LLP

By: 

RAHUL RAVIPUDI  
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GREGORIO V. SILVA  
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Attorneys for Plaintiffs

